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FIRM and AFFILIATE OFFICES

SARAH FEHM STEWART
DIRECT DIAL: 973.424.2061
PERSONAL FAX: 973.556.1464
E-MAIL: sfstewart@duanemorris.com

www.duanemorris.com

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AND SRI LANKA

June 1, 2023

VIA ECF AND EMAIL

Honorable Douglas E. Arpert, U.S.M.J.
United States District Court for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, NJ 08608
dea_orders@njd.uscourts.gov

**Re: *Verizon Employee Benefits Committee v. Edgar Irizarry, et al.*,
Civil Action No. 3:23-cv-01708 (D.N.J.)
JOINT REQUEST FOR ADJOURNMENT OF INITIAL CONFERENCE**

Dear Judge Arpert:

We represent Plaintiff Verizon Employee Benefits Committee (“Verizon”) in the above referenced action. We write to request an adjournment of the initial conference currently scheduled for June 7, 2023 at 3:00 p.m. We have recently had the opportunity to speak with Defendant Edgar Irizarry, who advised that he is in the process of retaining legal counsel. As such, all parties who have appeared in the case believe it would be most efficient and productive if the initial conference were adjourned thirty (30) days, to provide Mr. Irizarry time to retain legal counsel.

By way of brief background, Verizon commenced this action on March 27, 2023 by way of Complaint against Mr. Irizarry, a former Verizon employee, and Sara Irizarry, Mr. Irizarry’s ex-spouse. This action seeks to recover amounts mistakenly paid by Verizon’s pension plan (“Pension Plan”) to Mr. Irizarry. Specifically, pursuant to a qualified domestic relations order (“QDRO”) entered by the New Jersey Superior Court, Monmouth County, Mr. Irizarry was required to elect benefits under the Pension Plan in the form of a fifty percent (50%) survivor annuity option, with Ms. Irizarry designated as the surviving spouse. However, Mr. Irizarry instead elected to receive his pension in the form of a single lump sum distribution, and Verizon wired \$556,643.29 to Mr. Irizarry’s individual IRA account.

DUANE MORRIS LLP A DELAWARE LIMITED LIABILITY PARTNERSHIP

GREGORY R. HAWORTH, RESIDENT PARTNER

ONE RIVERFRONT PLAZA, 1037 RAYMOND BLVD., SUITE 1800
NEWARK, NJ 07102-5429
DM3/9688628.1

PHONE: +1 973 424 2000 FAX: +1 973 424 2001

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Honorable Douglas E. Arpert, U.S.M.J.
June 1, 2023
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Verizon served the Complaint, as well as a motion for a Temporary Restraining Order and Preliminary Injunction,¹ on Mr. Irizarry on April 3, 2023, and on Ms. Irizarry on April 1, 2023. Ms. Irizarry has answered the Complaint and is represented by legal counsel, Christopher Wm. Dagg, Esq. Mr. Irizarry has not yet answered the Complaint but, by email dated May 30, 2023, stated that he is “in the process of retaining legal counsel.” *See* Ex. 1.

In light of Mr. Irizarry’s present efforts to retain legal counsel, Verizon respectfully requests a 30-day adjournment of the June 7, 2023 initial conference. All parties who have appeared in the action consent to this request.

We thank Your Honor for your time and attention to this matter.

Respectfully,

/s/ Sarah Fehm Stewart

Sarah Fehm Stewart

SFS

cc: Christopher Wm. Dagg, Esq. (via email)
Edgar Irizarry (via email)

¹ Verizon’s Motion seeks to preserve the mistakenly paid Pension Plan monies, or any traceable proceeds therefrom, pending a final determination of the claims asserted in the Complaint.

EXHIBIT 1

Stewart, Sarah Fehm

From: Chris Dagg <cdagg@lsnyc.org>
Sent: Wednesday, May 31, 2023 10:13 AM
To: Hollihan, James P.; Edgar A. Irizarry
Cc: Stewart, Sarah Fehm; Schoenecker, Marc A
Subject: Re: VEBC v. Irizarry - - Draft proposed Discovery Plan

I consent to postpoing the hearing for 30 days. My office will be closed on June 19, and on July 4, but my schedule is otherwise open.

Thank you.

Christopher Wm. Dagg
Senior Staff Attorney
LEGAL SERVICES NYC/BROOKLYN
105 Court Street, 4th Floor
Brooklyn, New York 11201
Tel.: (718) 237-5543
Fax: (718) 237-5543
E-mail: cdagg@lsnyc.org



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From: Hollihan, James P. <JPHollihan@duanemorris.com>
Sent: Tuesday, May 30, 2023 8:52 PM
To: Edgar A. Irizarry <eairizarry1@gmail.com>
Cc: Chris Dagg <cdagg@lsnyc.org>; Stewart, Sarah Fehm <SFStewart@duanemorris.com>; Schoenecker, Marc A <marc.schoenecker@verizon.com>
Subject: RE: VEBC v. Irizarry - - Draft proposed Discovery Plan

Mr. Irizarry:

Thanks you for your note. We will go ahead and file the Joint Discovery Plan tomorrow in its current form. In light of your comments about efforts to retain counsel, my suggestion is that we file a letter request with Magistrate Judge Arpert asking that he postpone the scheduling conference for 30 days to afford you the opportunity to complete your effort to retain counsel and respond to the complaint. I believe that it would be much more productive if the initial conference with the Court is deferred until after you are represented by counsel. Could you send me a response to this email indicating whether you consent to that approach and request for postponement. I am copying Christopher Dagg on this email and request that he likewise consents to a request to postpone the conference for 30 days.

Thanks and have a good evening.

Jim Hollihan

From: Edgar A. Irizarry <eairizarry1@gmail.com>
Sent: Tuesday, May 30, 2023 6:46 PM
To: Hollihan, James P. <JPHollihan@duanemorris.com>
Subject: Re: VEBC v. Irizarry - - Draft proposed Discovery Plan

Dear Mr. Hollihan,

I hope this finds you well. I am in the process of retaining legal counsel. I hope to accomplish this as soon as possible. Due to the nature of the case, it has been a bit difficult. However, I am actively working on accomplishing this.

Sincerely,
Edgar A. Irizarry

On May 30, 2023, at 3:57 PM, Hollihan, James P. <JPHollihan@duanemorris.com> wrote:

Mr. Irizarry:

I am co-counsel for the Verizon Employee benefits Committee in the above reference action pending in the federal District Court for the District of New Jersey. As I believe you know, the Magistrate judge assigned to this case has scheduled an initial scheduling and case management conference for June 7, 2023 at 3 p.m. in his courtroom in Trenton New jersey. In his order scheduling that conference, he directed the parties to file a joint proposed discovery pan seven days in advance of the conference, i.e., by the end of the day tomorrow. I have drafted the attached Proposed Discovery Plan. This has been approved by myself as counsel for the Verizon Employee Benefits Committee, and by Christopher Dagg, counsel for your former spouse, Sara Irizarry. Although you are not, to my knowledge, represented by counsel and you have not filed a response to the Complaint, you are a party to the action and I am sending this draft to you in the event you want to review it and/or suggest revisions. As mentioned above, under the Judge's order we must file this proposed discovery Plan by the close of business tomorrow. If I do not hear from you prior to 4 p.m. tomorrow, I will assume you do not desire to have any input in the Proposed Discovery Plan. If you would like to contact me to discuss the Discovery Plan or any other aspect of the case, feel free to call me on my cell number, 412-867-7841. However, as stated above, I am counsel for the Verizon Employee benefits Committee, and am not able to provide you with legal advice.

Jim Hollihan

<image001.jpg>

www.duanemorris.com

James P. Hollihan
Of Counsel
Duane Morris LLP
625 Liberty Avenue, Suite 1000
Pittsburgh, PA 15222-3112

P: +1 412 497 1040
F: +1 412 202 4508

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<VEBC v. Irizarry - - Joint Proposed Discovery Plan.DOC>

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